

Alexandria Division

Defendants.

Defendants already addressed Plaintiffs’ arguments in ECF No. 474, Argument § I, and they incorporate those same arguments here. At the risk of repetition, however, Defendants reiterate that it is unclear what Plaintiffs are demanding by “contemporaneous” evidence of Defendants’ justification. Whatever Plaintiffs may think is required, Defendants’ testimony is

clear that, as of 2015, Defendants wanted accurate criminal background reports for their residents.

As Mr. Jones explained at deposition:

Q. And the criminal background check policy for renewals was also precipitated by an incident you had at another property?

A. Correct.

Q. Not a Waples property?

A. Correct. It was at another property we manage.

Q. Which property?

A. Forest Park Mobile Home.

Q. So I still don't think I'm quite clear; who first floated the idea of instituting the criminal background check for renewal policy?

...

A. We had a discussion between myself, Peter Williams, and Mr. Dwoskin. I proposed the policy in the meeting as a solution to the incident or the issue that came up at Forest Park Mobile Home Park. That incident was an – a child who turned to – who became 18 was a registered sex offender, and it was not disclosed but a tenant notified us of them being a resident. So we discussed how do we find or look into tenants with a crime that were current residents instead of a tenant of other tenant notifying us.

...

Q. When did you first make that proposal?

A. I'm going to say we discussed it in the beginning of 2015. Actually, we had – well, let me take that – yeah, it was in beginning of 2015 because we had another incident. It wasn't sex – well, it wasn't a sex offender, but it was at another property in which we had a – someone convicted of indecent exposure.

Q. Which property was that at?

A. Bryn Mawr.

Q. When was the incident at Forest hill when the individual who was a registered sex offender turned 18?

A. My memory is it's around the end of 2014.

Q. And how about the at Bryn Mawr?

A. It was around the spring of 2015 if my memory is correct.

M. Jones Dep. Tr. at 44-46 (11/22/16).

The bottom line is that, regardless of Plaintiffs' refrain about "contemporaneous" evidence, Defendants are prepared to present competent proof of their Step Two justification at trial.

CONCLUSION

For the reasons discussed, the Court should grant Defendants' motion *in limine*.

Dated: May 15, 2024

Respectfully submitted by,
Waples Mobile Home Park Limited Partnership
Waples Project Limited Partnership
A.J. Dwoskin & Associates, Inc.
By Counsel

/s/ Brooks H. Spears
Michael S. Dingman
Brooks H. Spears
MCGUIREWOODS LLP
1750 Tysons Boulevard, Suite 1800
Tysons, VA 22102
Phone: (703) 712-5000
Fax: (703) 712-5050
mdingman@mcguirewoods.com
bspears@mcguirewoods.com

Grayson P. Hanes
ODIN, FELDMAN & PITTLEMAN, P.C.
1775 Wiehle Avenue, Suite 400
Reston, VA 20190
Phone: (703) 218-2195
Fax: (703) 218-2160
grayson.hanes@ofplaw.com

CERTIFICATE OF SERVICE

I certify that, on May 15, 2024, I caused the foregoing document to be filed via the Court's CM/ECF system, which will send notice to all counsel of record.

/s/ Brooks H. Spears
Brooks H. Spears